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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,276	09/30/2003	Masahiro Nozaki	26E-003	1581

23400 7590 08/18/2006

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER

STRIMBU, GREGORY J

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 08/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/673,276	Applicant(s) NOZAKI, MASAHIRO	
	Examiner Gregory J. Strimbu	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,5,8,9,12-14,18 and 19 is/are pending in the application.
- 4a) Of the above claim(s) 4,5,13 and 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,8,9,12,18 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

Applicant's election of Group III in the reply filed on July 14, 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Accordingly, claims 4-7, 13 and 14 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on July 14, 2005.

Drawings

The drawing correction filed January 31, 2006 has been approved.

Claim Rejections - 35 USC § 112

Claims 1, 8, 9, 12, 18 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "a tubular seal portion which projects outwardly of the door opening portion" on lines 5-6 of claim 1 render the claims indefinite because it is unclear if the applicant is claiming the subcombination of a door seal structure or the combination of a door seal structure and the door opening portion of a vehicle body. The preamble of claim 1 implies the subcombination while the positive recitation of the door opening portion of the vehicle body implies the combination. Recitations such as

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“curved at an angle” on line 18 of claim 1 render the claims indefinite because it is unclear what the applicant is attempting to set forth. A curve has a plurality of different angles at different tangent points along the curve. Therefore, it is unclear how a curve can have one angle. Is the applicant attempting to recite that the inner end edge is bent at an angle? Recitations such as “an outer end edge” on line 3 of claim 18 render the claims indefinite because it is unclear if the applicant is referring to the outer end edge set forth above or is attempting to set forth another outer end edge in addition to the one set forth above.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

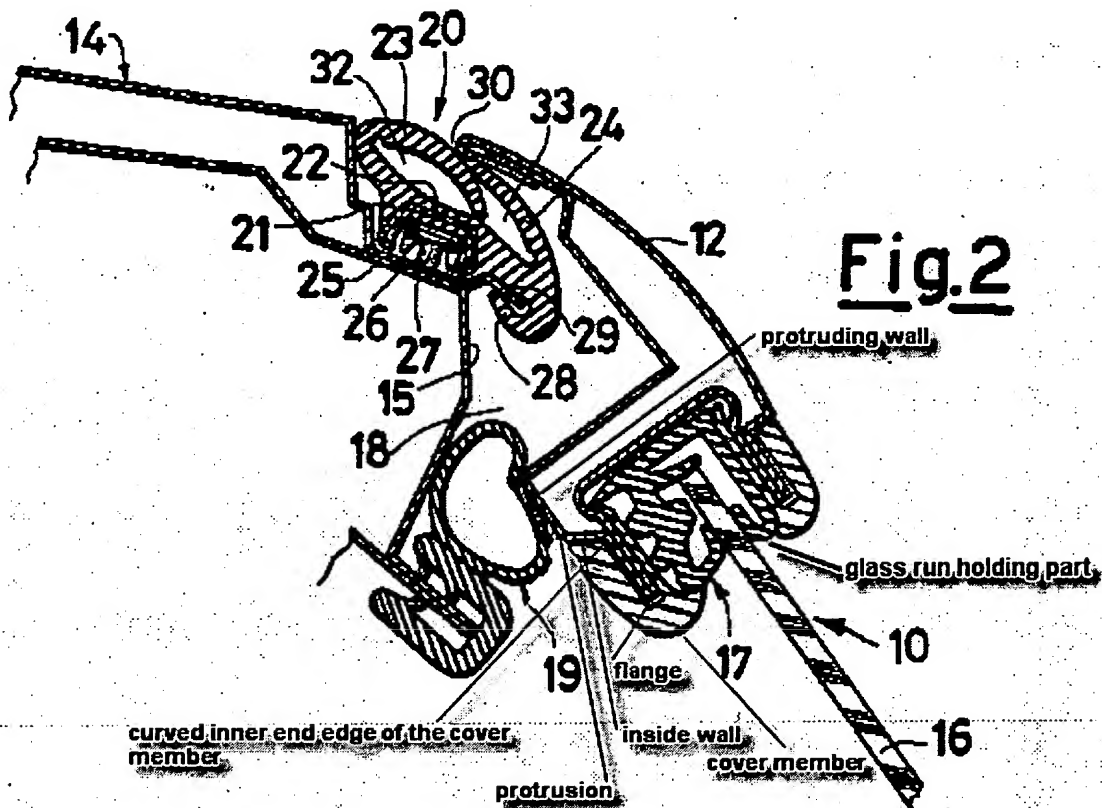
Claims 1, 8, 9 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Villa et al. Villa et al. discloses a door seal structure in combination with a door frame 12 of a vehicle door 10 for sealing between a door opening portion (not numbered, but shown in figure 2) of a vehicle body (not numbered, but shown in figure 1) and the door frame, comprising an opening weather strip 19 adapted to be attached to the door opening portion, said opening weather strip including a tubular seal portion (not numbered, but shown in figure 2) which projects outwardly of the door opening portion, a glass run 17 for guiding a door glass 16 that is raised and lowered, said glass

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run being held in a glass run holding part (not numbered, but shown in figure 2) provided along an inner peripheral portion of the door frame, a protrusion (not numbered, but shown in figure 2 comprising the portion of the door frame extending generally downwardly and to the left lower corner as shown in figure 2) in the door frame, wherein the protrusion protrudes inwardly of said glass run holding part since it extends inwardly of the glass run holding part, an inner peripheral end of said protrusion being joined to an inner side wall of said glass run holding part to define a flange (not numbered, but shown in figure 2), said protrusion including a protruding wall (not numbered, but comprising the part of the protrusion engaging the weather strip 19 as shown in figure 2) and an inside wall (not numbered, but shown in figure 2 spanning the distance between the protruding wall and the flange), said protruding wall being adapted to contact and press said tubular seal portion of said opening weather strip and said inside wall being located to face a vehicle compartment when the vehicle door is closed, said inside wall of said protrusion having a depression (not numbered, but shown in figure 2 where the inside wall transitions to meet the flange) that is formed immediately adjacent to said protruding wall so as to extend in a longitudinal direction of said protrusion, and a cover member (not numbered, but shown in figure 2 extending over the flange and extending into the depression) that extends to cover said inside wall of said protrusion of the door frame, an outer end edge of said cover member covering said flange and being connected to said glass run and an inner end edge of said cover member (not numbered, but comprising the portion of the cover member extending into the depression) being curved at an angle to an extending direction of said cover

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member and being seated in said depression, wherein when the vehicle door is closed, said inside wall of said protrusion is substantially covered with said cover member such that said inner end edge of said cover member does not contact said tubular seal portion of said opening weatherstrip.



Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Villa et al. as applied to claims 1, 8, 9 and 18 above, and further in view of Petrelli. Petrelli discloses a door seal structure comprising a door weather strip 39 for abutting and sealing the door opening portion 24 when the vehicle door is closed, the door weather strip being held in an outer peripheral surface of the door frame 33.

It would have been obvious to one of ordinary skill in the art to provide Villa et al. with a door seal structure, as taught by Petrelli, to further increase the seal between the door frame and the door opening portion.

Response to Arguments

Applicant's arguments filed July 14, 2006 have been fully considered but they are not persuasive. With respect to the applicant's comments concerning Villa et al., the examiner respectfully disagrees. Claim 1 recites a protrusion having an inside wall and further recites that it is the inside wall that includes the depression. Claim 1 does not require the protrusion itself to have the depression. Thus Villa et al. anticipates the applicant's claimed invention because it discloses a protrusion having an inside wall and the inside wall further including a depression. Even if the applicant were to amend the claims to require the protrusion to have the depression, it is unclear if such a claim would be allowable over Villa et al.

The applicant's comments concerning the inner end edge of the cover member not contacting the tubular seal portion are not persuasive because they are no more than mere supposition. Figure 2 of Villa et al. clearly discloses the inner end edge of

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the cover member not contacting the tubular seal portion and accordingly anticipates the applicant's claimed invention.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

THIS ACTION IS NOT MADE FINAL.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Gregory J. Strimbu", with a horizontal line extending from the end of the signature.

Gregory J. Strimbu
Primary Examiner
Art Unit 3634
August 16, 2006